



#3

DECLARATION

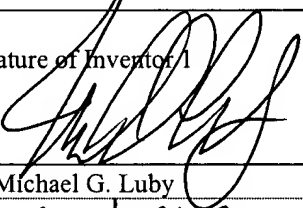
As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **DYNAMIC LAYER CONGESTION CONTROL FOR MULTICAST TRANSPORT**, the specification of which was filed on June 1, 2000 as Application No. 09/587,542.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Full Name of Inventor 1:	Last Name: LUBY	First Name: MICHAEL	Middle Name or Initial: G.
Residence & Citizenship:	City: Berkeley	State/Foreign Country: California	Country of Citizenship: United States
Post Office Address:	Post Office Address: 1133 Miller Avenue	City: Berkeley	State/Country: California
			Postal Code: 94708

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1

Mr. Michael G. Luby
Date August 21, 2000



Attorney Docket No. 19186-16-1US

POWER OF ATTORNEY BY ASSIGNEE

Digital Fountain, Inc. is the Assignee of the invention entitled: DYNAMIC LAYER CONGESTION CONTROL FOR MULTICAST TRANSPORT, the specification of which was filed on June 1, 2000 as Application Serial No. 09/587,542.

Assignee hereby appoints the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Philip H. Albert, Reg. No. 35,819
Gerald T. Gray, Reg. No. 41,797
Daniel D. Tagliaferri, Reg. No. 43,178

Send Correspondence to:

Philip H. Albert
TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111-3834

Direct Telephone Calls to:

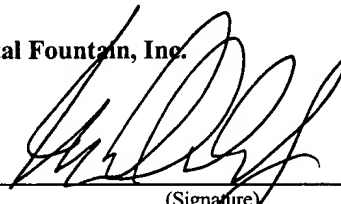
Philip H. Albert
Reg. No.: 35,819
(415) 576-0200

Date:

August 21, 2000

By:

Digital Fountain, Inc.



(Signature)

Name:

Michael Gaby

Title:

C.T.O.



Attorney Docket No. 19186-16-1US

CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

Applicant: Michael G. Luby

Application No.: 09/587,542

Filed: June 1, 2000

For: DYNAMIC LAYER CONGESTION CONTROL FOR MULTICAST TRANSPORT

Digital Fountain, Inc., a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is assignee of the patent application identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame(s) _____, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

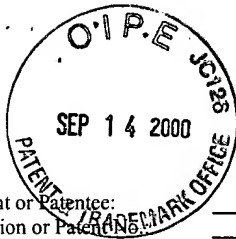
I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: August 21, 2000

Name: Michael G. Luby

Title: C.T.O.

Signature: [Signature]

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**
(37 CFR 1.9(f) & 1.27(c)) - SMALL BUSINESS CONCERN

Applicant or Patentee: Michael G. Luby
Application or Patent No.: 09/587,542
Filed or Issued: June 1, 2000
Title: DYNAMIC LAYER CONGESTION CONTROL FOR MULTICAST TRANSPORT

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below.

Name of Small Business Concern: Digital Fountain, Inc.
Address of Small Business Concern: 600 Alabama
San Francisco, CA 94110

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled DYNAMIC LAYER CONGESTION CONTROL FOR MULTICAST TRANSPORT by inventor(s) Michael G. Luby described in:

- ☐ the specification filed herewith;
☒ Application No. 09/587,542, filed June 1, 2000;
☐ Patent No. _____, issued _____.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern that would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Name: _____
Address: _____

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Name: _____
Address: _____

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: _____
Title of Person if Other than Owner: _____
Address of Person Signing: 600 Alabama
San Francisco, CA 94110

Signature: [Signature] Date: August 21, 2000